

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 103, between lines 10 and 11, begin a new paragraph and
- 2 insert:
- 3 "SECTION 47. IC 4-33-2-5.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2005]: **Sec. 5.5. "Corporate headquarters"**
- 6 **means the building or buildings where:**
- 7 **(1) the principal offices of the principal executive officers of a**
- 8 **licensed owner are located; and**
- 9 **(2) at least two hundred fifty (250) employees are employed."**
- 10 Page 106, between lines 3 and 4, begin a new paragraph and insert:
- 11 "SECTION 49. IC 4-33-19 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2005]:
- 14 **Chapter 19. Supplemental Wagering Tax**
- 15 **Sec. 1. (a) A supplemental wagering tax is imposed on the**
- 16 **adjusted gross receipts received from gambling games authorized**
- 17 **under this article at the rate of three percent (3%) of the amount**
- 18 **of the adjusted gross receipts.**
- 19 **(b) The licensed owner shall remit the tax imposed by this**
- 20 **chapter to the department before the close of the business day**
- 21 **following the day the wagers are made.**
- 22 **(c) The department may require payment under this section to**
- 23 **be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).**
- 24 **(d) If the department requires taxes to be remitted under this**
- 25 **chapter through electronic funds transfer, the department may**
- 26 **allow the licensed owner to file a monthly report to reconcile the**
- 27 **amounts remitted to the department.**
- 28 **(e) The department may allow taxes remitted under this section**
- 29 **to be reported on the same form used for taxes paid under**
- 30 **IC 4-33-12.**
- 31 **Sec. 2. (a) The state supplemental wagering tax fund is**

1 established.

2 (b) The treasurer of state shall invest the money in the fund not
3 currently needed to meet the obligations of the fund in the same
4 manner as other public money may be invested. Interest that
5 accrues from these investments shall be deposited in the state
6 general fund.

7 (c) Money in the fund does not revert to the state general fund
8 at the end of a state fiscal year.

9 Sec. 3. The department shall deposit tax revenue collected under
10 this chapter in the state supplemental wagering tax fund.

11 Sec. 4. Subject to the payment of refunds under section 5(d) of
12 this chapter, the treasurer of state shall before October 1 of each
13 year transfer the tax revenue deposited in the state supplemental
14 wagering tax fund under this chapter to the build Indiana fund
15 established under IC 4-30-17.

16 Sec. 5. (a) A licensed owner is entitled to a one hundred percent
17 (100%) credit against the tax imposed under section 1 of this
18 chapter in a particular state fiscal year if the licensed owner does
19 at least one (1) of the following:

20 (1) Relocates the licensed owner's corporate headquarters to
21 Indiana during the state fiscal year in which the tax was
22 imposed.

23 (2) Maintains the licensed owner's corporate headquarters in
24 Indiana during the state fiscal year in which the tax was
25 imposed.

26 (3) Invests at least three percent (3%) of the licensed owner's
27 adjusted gross receipts during the state fiscal year in which
28 the tax was imposed in a county other than the county in
29 which the riverboat's home dock is located .

30 (b) To qualify for the credit allowed under this section, an
31 investment described in subsection (a)(3) must be in addition to any
32 investments required by statute or by an operating agreement with
33 the city or county that is designated as the home dock of the
34 licensed owner's riverboat.

35 (c) To claim the credit allowed under this section, a licensed
36 owner must apply for the credit before August 1 on a form
37 prescribed by the commission. The licensed owner must attach to
38 the application proof:

39 (1) of the relocation of the licensed owner's corporate
40 headquarters;

41 (2) that the licensed owner maintained the licensed owner's
42 corporate headquarters in Indiana during the state fiscal year
43 in which the taxes were imposed; or

44 (3) that the investments required under subsection (a)(3) were
45 made.

46 (d) If the commission approves the licensed owner's application
47 for a credit, the commission shall certify the application to the

- 1 **department of state revenue. Upon receipt of the certified**
2 **application, the department of state revenue shall refund the**
3 **amount of the credit to the licensed owner. The amount refunded**
4 **to the licensed owner must be paid from the state supplemental**
5 **wagering tax fund before September 1."**
6 Page 205, between lines 5 and 6, begin a new paragraph and insert:
7 "SECTION 5. [EFFECTIVE JULY 1, 2005] IC 4-33-19, as added
8 **by this act, applies to adjusted gross receipts received after June 30,**
9 **2005."**
10 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1001 as printed April 1, 2005.)

Senator WATERMAN